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**From:** Chemerys, Ruth [Chemerys.Ruth@epa.gov]  
**Sent:** 5/13/2020 11:38:50 AM  
**To:** Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]  
**Subject:** Re: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.  
**Attachments:** 10008-96-OW.unsigned\_clean5.13.20.docx

Mindy-

This is ready to go, if you want to review once more, and let me know if you will send or have me send back to Janita and Sandy. I accepted all the changes and read through to make sure it looks okay after all edits were accepted.

Ruth

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**From:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>  
**Sent:** Tuesday, May 12, 2020 6:03 PM  
**To:** Aguirre, Janita <Aguirre.Janita@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Lousberg, Macara <Lousberg.Macara@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>  
**Subject:** RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

Will do. Thanks!

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
Office of Wetlands, Oceans and Watersheds  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
(202) 566-1290  
eisenberg.mindy@epa.gov

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**From:** Aguirre, Janita <Aguirre.Janita@epa.gov>  
**Sent:** Tuesday, May 12, 2020 6:03 PM  
**To:** Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Evalenko, Sandy <Evalenko.Sandy@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Cc:** Lousberg, Macara <Lousberg.Macara@epa.gov>  
**Subject:** RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

Yes, please, but also email me and Sandy the revised copy, and I'll move it forward.

Thank you,  
Janita

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**Janita Aguirre – Special Assistant to David Ross and Anna Wildeman**

U.S. Environmental Protection Agency | Office of Water | Office of the Assistant Administrator  
Phone: (202) 566-1149 | Email: [aguirre.janita@epa.gov](mailto:aguirre.janita@epa.gov)

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**From:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>

**Sent:** Tuesday, May 12, 2020 5:53 PM

**To:** Evalenko, Sandy <[Evalenko.Sandy@epa.gov](mailto:Evalenko.Sandy@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Cc:** Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>; Lousberg, Macara <[Lousberg.Macara@epa.gov](mailto:Lousberg.Macara@epa.gov)>

**Subject:** RE: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

Just confirming that you will want this uploaded to CMS?

Mindy Eisenberg  
Associate Director, Oceans, Wetlands & Communities Division  
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1200 Pennsylvania Ave., NW, mailcode 4504T  
Washington, DC 20460  
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**From:** Evalenko, Sandy <[Evalenko.Sandy@epa.gov](mailto:Evalenko.Sandy@epa.gov)>

**Sent:** Tuesday, May 12, 2020 3:54 PM

**To:** Eisenberg, Mindy <[Eisenberg.Mindy@epa.gov](mailto:Eisenberg.Mindy@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>

**Cc:** Aguirre, Janita <[Aguirre.Janita@epa.gov](mailto:Aguirre.Janita@epa.gov)>; Lousberg, Macara <[Lousberg.Macara@epa.gov](mailto:Lousberg.Macara@epa.gov)>

**Subject:** FW: FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

**Importance:** High

Mindy/Kathy: This is an encoded version of the ESA FRN. OP OFR requested edits more substantive edit of the Exec. Summary. Please send back this version with the edits accepted and changes made to the Exec summary.

Thanks,  
Sandy

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**From:** Stephanie Morris <[Morris.Stephanie@epamail.epa.gov](mailto:Morris.Stephanie@epamail.epa.gov)>

**Sent:** Tuesday, May 12, 2020 3:23 PM

**To:** Morris, Stephanie <[Morris.Stephanie@epa.gov](mailto:Morris.Stephanie@epa.gov)>; Evalenko, Sandy <[Evalenko.Sandy@epa.gov](mailto:Evalenko.Sandy@epa.gov)>

**Subject:** FR Dailies - OP has concluded review on a OW PKI document:Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

**Importance:** High

OP has concluded review on a FR Dailies OW PKI document

Title: Comment on whether EPA's approval of a Clean Water Act Section 404 program is non-discretionary for purposes of Endangered Species Act Section 7 Consultation.

FRL #: 10008-96-OW  
Stage: Notice